IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.486 OF 2004

The New India Assurance Company Ltd. .. Appellant
Vs.
Lazar Nehemiah & Anr. .. Respondents

Mr.S.S.Vidyarthi for the Appellant.
Mr.S.K.Joshi i/b. S.M.Oak for the Respondents.

CORAM : DR.S.RADHAKRISHNAN,J.

DATE : 13TH JULY,2006.

P.C.:

1. Heard learned Counsel for the parties. Both the learned Counsel for the Appellant and the Respondents state that in view of the Full Bench Judgment in **Divisional Controller, M.S.R.T.C., Jalgaon Vs. Bapu Onkar Chaudhari, 2004(1) 422, Transport and Accidents Cases,** the present Appeal is not maintainable. Hence, the learned Counsel for the Appellant seeks leave to withdraw the above Appeal with a liberty to adopt an appropriate proceedings before an appropriate forum. Hence, the above Appeal is allowed to be withdrawn with the aforesaid liberty and dismissed as such. The permissible Court Fees be refunded to the Appellant. The amount deposited by the Appellant under section 173 of the Motor Vehicles Act also be allowed to be withdrawn.

(DR.S.RADHAKRISHNAN,J.)